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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/633,036	08/04/2003	Katsuhito Yoshio	03500.017480.	4700
5514	7590	02/23/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			CHEN, PO WEI	
			ART UNIT	PAPER NUMBER
			2676	

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/633,036

Applicant(s)

YOSHIO ET AL.

Examiner

Po-Wei (Dennis) Chen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

Claims 1-18 are pending in this application. Claims 1, 8-11 and 18 are independent claims.

The present title of the invention is "Image processing method, image processing apparatus, storage medium and program". This action is non-final.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, 6, 8-14, 16 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Miyashita et al. (US 6,031,543; refer to as Miyashita herein).

3. Regarding claim 1, Miyashita discloses an image processing for correcting color comprising:

determining an image processing parameter by moving an image displayed on a map representing a color space to an arbitrary position on the map; and performing an image process, corresponding to the arbitrary position, to the image at the position after the movement (line 50 of column 3 to line 38 of column 4, lines 1-30 of column 6, lines 19-27 of column 14 and lines 24-32 of column 15 and Fig. 8-10; while claim recites image, the term is broad enough to include the reference circle).

4. Regarding claims 2-3, Miyashita discloses an image processing for correcting color comprising:

wherein the movement of the image is performed by a drag of the image, an indication on the map, or an indication of a symbol being adjacent to the map; wherein the image processing parameter is finely adjusted by indicating the symbol (lines 1-30 of column 6 and Fig. 8-10 and Fig. 25; color space $a^* b^*$ can be finely adjusted using the slider bar; while claim recites symbol, the term is broad enough to include the slider bar indicator).

5. Regarding claim 4, Miyashita discloses an image processing for correcting color comprising:

the step of adjusting at least either brightness or contrast of the image, wherein the image processing parameter includes adjusted results of the brightness and the contrast of the image (line 50 of column 3 to line 38 of column 4 and lines 14-63 of column 9 and Fig. 8-10 and 25-27; it is noted that when user moves the reference circle, the contrast and intensity are modified accordingly).

6. Regarding claim 6, Miyashita discloses an image processing for correcting color comprising:

wherein the map represents a range in which color adjustment can be performed, and the position of the image represents a state of the color adjustment (line 50 of column 3 to line 38 of column 4, lines 1-30 of column 6, lines 19-27 of column 14 and lines 24-32 of column 15 and Fig. 8-10).

7. Regarding claims 8-10, statements presented above, with respect to claim 1 are incorporated herein.

8. Regarding claims 11-14, 16 and 18, statements presented above, with respect to claims 1-4 and 6 are incorporated herein.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 7 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita et al. (US 6,031,543; refer to as Miyashita herein).

11. Regarding claim 7, Miyashita does not disclose wherein the map is moved to move the image. However, it would have been obvious matter of design choice to modify Miyashita to move the image by moving the map, since applicant has not disclosed that moving the map instead of moving the image itself solves any stated problem and it appears the image processing would perform equally well to move the image by dragging the image itself.

12. Regarding claim 17, statements presented above, with respect to claim 7 are incorporated herein.

13. Claims 5 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyashita et al. (US 6,031,543; refer to as Miyashita herein) as applied to claims 1 and 11 above, and further in view of Hasegawa et al. (US 6,333,752; refer to as Hasegawa herein).

14. Regarding claim 5, Miyashita does not disclose wherein the symbol includes a button or a thumbnail image. Hasegawa discloses image processing method utilizing the thumbnail images (line 4 of column 14 to line 62 of column 15 and Fig. 6-9). It would have been obvious to one of ordinary skill in the art to modify Miyashita by substituting the symbol of Hasegawa for the symbol of Miyashita because Hasegawa teaches that by utilizing the thumbnail images would

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provide users an easy and efficient way of changing color and contrast of images (lines 47-61 of column 2).

15. Regarding claim 15, statements presented above, with respect to claim 5 are incorporated herein.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Po-Wei (Dennis) Chen whose telephone number is (703) 305-8365. The examiner can normally be reached on Monday-Thursday from 8:30 AM to 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew C Bella can be reached on (703) 308-6829. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Po-Wei (Dennis) Chen
Examiner
Art Unit 2676

Po-Wei (Dennis) Chen
February 17, 2005



Kee M. Tung
Primary Examiner